

Calendar No. 1023

110TH CONGRESS
2D SESSION**H. R. 3473**

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2008

Received; read twice and referred to the Committee on Energy and Natural
Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To provide for a land exchange with the City of Bountiful,
Utah, involving National Forest System land in the
Wasatch-Cache National Forest and to further land own-
ership consolidation in that national forest, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bountiful City Land
5 Consolidation Act”.

1 **SEC. 2. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOR-**
2 **EST, UTAH.**

3 (a) **LAND EXCHANGE AUTHORIZED.**—If the City of
4 Bountiful, Utah (in this section referred to as the “City”),
5 conveys to the Secretary of Agriculture all right, title, and
6 interest of the City in and to three parcels of land con-
7 sisting of a total of approximately 1,680 acres identified
8 on the map entitled “Bountiful City Land Consolidation
9 Act”, the Secretary may convey to the City in exchange
10 all right, title, and interest of the United States in and
11 to such quantity of National Forest System land located
12 in the Wasatch-Cache National Forest in Township 2,
13 North, Range 1 East, Salt Lake Meridian, and identified
14 for possible conveyance on the map such that the value
15 of the land acquired by the Secretary is equal to the value
16 of the Federal land conveyed. The value of the Federal
17 and City lands to be exchanged shall be determined by
18 an appraisal carried out in accordance with section 206
19 of the Federal Land Policy and Management Act of 1976
20 (43 U.S.C. 1716).

21 (b) **AVAILABILITY OF MAP.**—The map referred to in
22 subsection (a) shall be on file and available for public in-
23 spection in the Office of the Chief of the Forest Service.

24 (c) **LAND EXCHANGE PROCESS.**—Section 206 of the
25 Federal Land Policy and Management Act of 1976 (43

1 U.S.C. 1716) shall apply to the land exchange authorized
2 by subsection (a).

3 (d) ~~MANAGEMENT OF ACQUIRED LAND.~~—The lands
4 acquired by the Secretary under subsection (a) shall be
5 added to and administered as part of the Wasatch-Cache
6 National Forest and managed in accordance with the Act
7 of March 1, 1911 (commonly known as the Weeks Act;
8 16 U.S.C. 480 et seq.) and the laws and regulations appli-
9 cable to the National Forest System.

10 (e) ~~BONNEVILLE SHORELINE TRAIL AND OTHER~~
11 ~~RIGHTS-OF-WAY.~~—In making the land exchange author-
12 ized by subsection (a), the Secretary shall ensure that an
13 easement not less than 60 feet in width is reserved for
14 the Bonneville Shoreline Trail. The Secretary and the City
15 may reserve such other rights-of-way for utilities, roads,
16 and trails as they may agree upon and which they consider
17 to be in the public interest.

18 (f) ~~TREATMENT OF REMAINING FEDERAL LAND.~~—

19 (1) ~~DISPOSAL AUTHORITY.~~—In the case of any
20 National Forest System land identified for possible
21 conveyance on the map referred to in subsection (a)
22 and not exchanged under such subsection, the Sec-
23 retary may dispose of all or a portion of the remain-
24 ing land upon a determination by the Secretary, pur-
25 suant to an amendment of the land and resource

1 management plan for Wasatch-Cache National For-
 2 est and a public process consistent with the National
 3 Environmental Policy Act of 1969 (42 U.S.C. 4321
 4 et seq.); that the land or portion thereof is in excess
 5 to the needs of the National Forest System.

6 (2) CONSIDERATION.—As consideration for any
 7 conveyance of land under this subsection, the Sec-
 8 retary shall require an amount equal to not less than
 9 the fair market value of the conveyed land.

10 (3) RELATION TO OTHER LAWS.—Any convey-
 11 ance of land under this subsection by exchange shall
 12 be subject to section 206 of the Federal Land Policy
 13 and Management Act of 1976 (43 U.S.C. 1716).

14 (4) DISPOSITION OF PROCEEDS.—Funds re-
 15 ceived by the Secretary as consideration under para-
 16 graph (2) shall be deposited into the fund estab-
 17 lished by Public Law 90–171 (commonly known as
 18 the Sisk Act; 16 U.S.C. 484a). Funds so deposited
 19 shall remain under the control of the Secretary and
 20 be available to the Secretary, without further appro-
 21 priation and until expended, for the acquisition of
 22 land or interests in land to be included in the
 23 Wasatch-Cache National Forest.

24 (g) ADDITIONAL TERMS AND CONDITIONS.—The
 25 land exchange under subsection (a) shall be subject to

1 such additional terms and conditions as the Secretary and
 2 the City may agree upon, and any conveyance under sub-
 3 section (f) shall be subject to such additional terms and
 4 conditions as the Secretary may require.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Bountiful City Land*
 7 *Consolidation Act”.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *CITY.*—*The term “City” means the City of*
 11 *Bountiful, Utah.*

12 (2) *FEDERAL LAND.*—*The term “Federal land”*
 13 *means the land under the jurisdiction of the Secretary*
 14 *identified on the map as “Shooting Range Special*
 15 *Use Permit Area”.*

16 (3) *MAP.*—*The term “map” means the map enti-*
 17 *tled “Bountiful City Land Consolidation Act” and*
 18 *dated October 15, 2007.*

19 (4) *NON-FEDERAL LAND.*—*The term “non-Fed-*
 20 *eral land” means the 3 parcels of City land com-*
 21 *prising a total of approximately 1,680 acres, as gen-*
 22 *erally depicted on the map.*

23 (5) *SECRETARY.*—*The term “Secretary” means*
 24 *the Secretary of Agriculture.*

1 **SEC. 3. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOR-**
 2 **EST, UTAH.**

3 (a) *IN GENERAL.*—Subject to subsections (c) through
 4 (g), if the City conveys to the Secretary all right, title, and
 5 interest of the City in and to the non-Federal land, the Sec-
 6 retary shall convey to the City all right, title, and interest
 7 of the United States in and to the Federal land.

8 (b) *AVAILABILITY OF MAP.*—The map shall be on file
 9 and available for public inspection in the appropriate of-
 10 fices of the Forest Service.

11 (c) *VALUATION AND EQUALIZATION.*—

12 (1) *VALUATION.*—The value of the Federal land
 13 and the non-Federal land to be conveyed under sub-
 14 section (a)—

15 (A) shall be equal, as determined by ap-
 16 praisals carried out in accordance with section
 17 206 of the Federal Land Policy and Management
 18 Act of 1976 (43 U.S.C. 1716); or

19 (B) if not equal, shall be equalized in ac-
 20 cordance with paragraph (2).

21 (2) *EQUALIZATION.*—If the value of the Federal
 22 land and the non-Federal land to be conveyed in a
 23 land exchange under this section is not equal, the
 24 value may be equalized by—

25 (A) making a cash equalization payment to
 26 the Secretary or to the City, as appropriate; or

1 (B) reducing the acreage of the Federal land
 2 or the non-Federal land to be exchanged, as ap-
 3 propriate.

4 (d) *APPLICABLE LAW.*—Section 206 of the Federal
 5 *Land Policy and Management Act of 1976 (43 U.S.C. 1716)*
 6 shall apply to the land exchange authorized under sub-
 7 section (a), except that the Secretary may accept a cash
 8 equalization payment in excess of 25 percent of the value
 9 of the Federal land.

10 (e) *CONDITIONS.*—

11 (1) *LIABILITY.*—

12 (A) *IN GENERAL.*—As a condition of the ex-
 13 change under subsection (a), the Secretary
 14 shall—

15 (i) require that the City—

16 (I) assume all liability for the
 17 shooting range located on the Federal
 18 land, including the past, present, and
 19 future condition of the Federal land;
 20 and

21 (II) hold the United States harm-
 22 less for any liability for the condition
 23 of the Federal land; and

24 (ii) comply with the hazardous sub-
 25 stances disclosure requirements of section

1 *120(h) of the Comprehensive Environmental*
 2 *Response, Compensation, and Liability Act*
 3 *of 1980 (42 U.S.C. 9620(h)).*

4 *(B) LIMITATION.—Clauses (ii) and (iii) of*
 5 *section 120(h)(3)(A) of the Comprehensive Envi-*
 6 *ronmental Response, Compensation, and Liabil-*
 7 *ity Act (42 U.S.C. 9620(h)(3)(A)) shall not*
 8 *apply to the conveyance of Federal land under*
 9 *subsection (a).*

10 *(2) ADDITIONAL TERMS AND CONDITIONS.—The*
 11 *land exchange under subsection (a) shall be subject*
 12 *to—*

13 *(A) valid existing rights; and*

14 *(B) such additional terms and conditions as*
 15 *the Secretary may require.*

16 *(f) MANAGEMENT OF ACQUIRED LAND.—The non-Fed-*
 17 *eral land acquired by the Secretary under subsection (a)*
 18 *shall be—*

19 *(1) added to, and administered as part of, the*
 20 *Wasatch-Cache National Forest; and*

21 *(2) managed by the Secretary in accordance*
 22 *with—*

23 *(A) the Act of March 1, 1911 (commonly*
 24 *known as the “Weeks Law”) (16 U.S.C. 480 et*
 25 *seq.); and*

1 (B) any laws (including regulations) appli-
 2 cable to the National Forest System.

3 (g) *EASEMENTS; RIGHTS-OF-WAY.*—

4 (1) *BONNEVILLE SHORELINE TRAIL EASE-*
 5 *MENT.*—In carrying out the land exchange under sub-
 6 section (a), the Secretary shall ensure that an ease-
 7 ment not less than 60 feet in width is reserved for the
 8 Bonneville Shoreline Trail.

9 (2) *OTHER RIGHTS-OF-WAY.*—The Secretary and
 10 the City may reserve any other rights-of-way for utili-
 11 ties, roads, and trails that—

12 (A) are mutually agreed to by the Secretary
 13 and the City; and

14 (B) the Secretary and the City consider to
 15 be in the public interest.

16 (h) *DISPOSAL OF REMAINING FEDERAL LAND.*—

17 (1) *IN GENERAL.*—The Secretary may, by sale or
 18 exchange, dispose of all, or a portion of, the parcel of
 19 National Forest System land comprising approxi-
 20 mately 220 acres, as generally depicted on the map
 21 that remains after the conveyance of the Federal land
 22 authorized under subsection (a), if the Secretary de-
 23 termines, in accordance with paragraph (2), that the
 24 land or portion of the land is in excess of the needs
 25 of the National Forest System.

1 (2) *REQUIREMENTS.*—A determination under
2 *paragraph (1) shall be made—*

3 (A) *pursuant to an amendment of the land*
4 *and resource management plan for the Wasatch-*
5 *Cache National Forest; and*

6 (B) *after carrying out a public process con-*
7 *sistent with the National Environmental Policy*
8 *Act of 1969 (42 U.S.C. 4321 et seq.).*

9 (3) *CONSIDERATION.*—As consideration for any
10 *conveyance of Federal land under paragraph (1), the*
11 *Secretary shall require payment of an amount equal*
12 *to not less than the fair market value of the conveyed*
13 *National Forest System land.*

14 (4) *RELATION TO OTHER LAWS.*—Any convey-
15 *ance of Federal land under paragraph (1) by ex-*
16 *change shall be subject to section 206 of the Federal*
17 *Land Policy and Management Act of 1976 (43 U.S.C.*
18 *1716).*

19 (5) *DISPOSITION OF PROCEEDS.*—Any amounts
20 *received by the Secretary as consideration under sub-*
21 *section (c) or paragraph (3) shall be—*

22 (A) *deposited in the fund established under*
23 *Public Law 90–171 (commonly known as the*
24 *“Sisk Act”) (16 U.S.C. 484a); and*

1 *(B) available to the Secretary, without fur-*
2 *ther appropriation and until expended, for the*
3 *acquisition of land or interests in land to be in-*
4 *cluded in the Wasatch-Cache National Forest.*

5 *(6) ADDITIONAL TERMS AND CONDITIONS.—Any*
6 *conveyance of Federal land under paragraph (1) shall*
7 *be subject to—*

8 *(A) valid existing rights; and*

9 *(B) such additional terms and conditions as*
10 *the Secretary may require.*

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